

Please enter the following amendments and remarks:

STATUS OF THE CLAIMS

Claims 1-93 are pending in the Application.

Claims 1-93 stand rejected by the Examiner.

Claims 19 and 46 have been amended, without prejudice, herein.

REMARKS

Reconsideration of the present Application is respectfully requested.

Claim Rejections Pursuant to 35 U.S.C. 112, Second Paragraph

Claims 11 and 19 have been rejected under 35 U.S.C. 112, second paragraph, each for lacking proper antecedent basis.

35 U.S.C. 112, second paragraph, states:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The present Office Action rejects claim 19, specifically referencing the portion of the claim which states “said access authorization information” in line 3. Additionally, the present Office Action rejects claim 46, specifically referencing the portion of the claim which states “said role information” in line 3.

Applicant has amended claims 19 and 46 to more distinctly point out and claim the present invention. Applicant submits that each of claims 19 and 46 mistakenly depended

upon the wrong claim. Applicant respectfully submits claims 19 and 46, as amended, have proper antecedent basis and satisfy the requirements of 35 U.S.C. § 112.

Claim Rejections Pursuant to 35 U.S.C. §102(e)

Claims 1, 5-6, 16-17, 20-21, 23-24, 34-36, 39, 41-42, 44 and 46-49 have been rejected under 35 U.S.C. §102(e) as being anticipated by Gudjonsson (U.S. Patent No. 6,564,261). Applicant respectfully traverses this rejection for at least the following reasons.

35 U.S.C. §102(e) recites:

A person shall be entitled to a patent unless-

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Consistently, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

See, M.P.E.P. §2131 citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicant respectfully submits the present Office Action mischaracterizes the teaching of Gudjonsson. As stated in the present Office Action with regard to claims 1, 6, 24 and 42, Gudjonsson purportedly discloses, in part, "a method for communicating hosted application information to allow sharing of a hosted application session (Column 7, lines

44-57), comprising the steps of: instantiating a first instant messaging client on a first network access device (Column 3, lines 1-13)”. Applicant respectfully submits that nothing in these referenced sections of Gudjonsson, or any other portion of Gudjonsson, teaches the use of an instant messaging protocol for communicating information relating to hosted application information. In fact, Gudjonsson *teaches away* from the use of instant messaging protocols. Gudjonsson discourages the use of instant messaging by stating:

There also is no easy way for users to configure their routing, except through limited interfaces. Instant messaging systems are typically only IP based, and do not in general allow communication across different networks. Most such systems rely on users to be connected to the system in order for their routing to be active and they disclose network addresses to other users, which potentially can be considered a security breach.

- *Gudjonsson at column 2, lines 34-41*

Thus, Gudjonsson not only does not disclose a method for communicating hosted application information using an instant messaging protocol, it discourages the use of instant messaging protocols in its entirety. What Gudjonsson does disclose, is a system involving a network of server clusters. In this system, users are registered within some specific cluster and given a unique user ID, where the user ID along with the ID of the cluster (a CID) constitute a globally unique user ID (or UID) within the whole system (column 2, lines 51-60). The system of Gudjonsson is designed for maximizing the security of the system and for hiding the identity of any of the users communicating within the system, *not* for specifically using an instant messaging protocol for communicating information related to a hosted application.

Wherefore, because Gudjonsson teaches away from a method for communicating hosted application information using an instant messaging protocol, Applicant respectfully requests reconsideration and removal of this rejection, as claims 1, 6, 24 and 42 are patentably distinguishable over Gudjonsson. Applicant further submits that Claims 5, 16-17, 20-21, 23, 34-36, 39, 41, 44 and 46-49 are similarly distinguishable over Gudjonsson, at least by virtue of their ultimate dependency from a patentably distinct base claim 1, 6, 24 or 42.

Claim Rejections Pursuant to 35 U.S.C. §103

Claims 7-10, 13-15, 22, 25-28, 31-33, 40, 45, 52, 54-68, 70-83 and 88-93 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson in view of Salesky (U.S. Patent No. 6,343,313). Claims 2-4, 18-19, 37-38 and 50-51 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson in view of Slavin (U.S. Patent No. 6,675,193). Claims 11-12, 29-30, 43, 53, 69 and 84 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson in view of Salesky as applied to claims 7-10, 13-15, 22, 25-28, 31-33, 40, 45, 52, 54-68, 70-83 and 88-93 above, and in further view of Danneels (U.S. Patent No. 5,524,110). Applicant respectfully traverses these rejections for at least the following reasons.

35 U.S.C. §103(a) recites:

[a] patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). *MPEP 706.02(j)*.

For at least the reasons set forth above, Gudjonsson fails to teach, or even suggest for that matter, each of the limitations of independent claims 1, 6, 24 and 42. As these claims are patentably distinguishable over the prior art of record, Applicant further submits that all of claims 2-5, 7-23, 25-41 and 43-51 are similarly distinguishable over the prior art of record, at least by virtue of their ultimate dependency from a patentably distinct base claim 1, 6, 24 or 42.

Additionally, independent claims 52, 68 and 83, like independent claims 1, 6, 24 and 42, recite the use of instant messaging for communications between two devices. As with Gudjonsson, each of Salesky, Slavin and Danneels, either separately or in combination, fails to teach, or even suggest, the use of instant messaging for communications between two devices. Neither Salesky, Slavin or Danneels even mentions instant messaging protocols, no less describes a method or medium including communications via instant messaging to any degree.

Accordingly, Applicant submits at least claims 52, 68 and 83 are patentably distinguishable over the prior art of record. Applicant further submits that claims 53-67, 69-82 and 84-93 are similarly distinguishable over the prior art of record, at least by virtue of their ultimate dependency from a patentably distinct base claim 52, 68 or 83.

CONCLUSION

Wherefore, Applicant believes he has addressed all outstanding grounds raised by Examiner and respectfully submits that the present case is in condition for allowance, early notification of which is earnestly solicited.

Should there be any questions or outstanding matters, Examiner is cordially invited and requested to contact Applicant's undersigned attorney at his number listed below.

Respectfully Submitted,

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